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Fifty-seventh session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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ORGANIZATION OF THE WORK OF THE SESSION

The meeting was called to order at 10.10 a.m.

STATEMENT BY MS. ŽELJKA ANTUNOVIĆ, DEPUTY PRIME MINISTER OF CROATIA

1. Ms. ANTUNOVIĆ (Croatia) said that her delegation was saddened that the High Commissioner for Human Rights, who had been courageous and forthright in her work, would not seek a second mandate. It nevertheless hoped that she would continue to cooperate with Croatia and wished her every success in her future endeavours.

2. Croatia attached great importance to the work being done by the Commission on Human Rights at a time when globalization was making individuals and civil society more aware of their human rights. The drawback to that scenario was that the rights of some might conflict with the rights of others, which could lead to an outbreak of hostilities. The Commission played an essential role in the search for solutions to such problems.

3. The Croatian Government welcomed the organization of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and was actively involved in the preparations for the Conference. It planned to establish a standing advisory body to coordinate all activities to combat intolerance. The Government also hoped that the conclusions of the Expert Group Meeting on gender and racial discrimination, organized jointly with the United Nations in November 2000, would be reflected in the World Conference Declaration and Plan of Action.

4. In the wake of the democratic changes that had taken place in Croatia at the beginning of 2000, the Government had taken a series of measures to strengthen human rights protection. It had established several bodies which were responsible for monitoring the implementation of human rights and whose activities were coordinated by the national Commission on Human Rights. The Government was also endeavouring to create an all-encompassing programme for the protection and promotion of human rights that would bring together all regulations relating to human rights. It was also setting up programmes to protect the rights of certain segments of the population, particularly children and the Roma. Croatia was active in the promotion of gender equality, mainly through a national commission that dealt with gender equality issues. In addition, Parliament had established a committee on gender equality and amended the Constitution to confirm the importance attached to such equality.

5. To facilitate the return of refugees and displaced persons to their places of origin, the Government had amended the laws on reconstruction and areas of special State concern, removing all discriminatory regulations and thereby guaranteeing all returnees equal rights to reconstruction assistance. The Government had also established an efficient procedure for solving problems associated with the return of property belonging to returnees. Croatia had taken a number of steps to strengthen the protection of minority rights. It had adopted new laws on the official use of minority languages and education in those languages. The Constitution had also been reformed to permit positive discrimination in favour of national minorities. The Croatian Government attached special importance to the issue of multiculturalism and therefore hoped that the topic would be dealt with at the forthcoming World Conference and in the special

high-level debate on tolerance and respect. The Government was currently discussing with the Office of the United Nations High Commissioner for Human Rights the possibility of organizing a conference that would make a real contribution to the promotion of human rights in the region.

6. A number of events were indicative of the Croatian Government's determination to build an open democratic society. In 2000 Croatia had been admitted to membership in the World Trade Organization and the Partnership for Peace programme of the North Atlantic Treaty Organization (NATO). It hoped to complete the negotiations on a stabilization and association agreement with the European Union, which had the highest standards for the protection and promotion of human rights, in May 2001. Only its current economic difficulties prevented Croatia from putting its democratic principles fully into effect. The decision by the Parliamentary Assembly of the Council of Europe to terminate its monitoring of the human rights situation in Croatia in September 2000 and the abolishment of the police component of the Organization for Security and Cooperation in Europe (OSCE) mission was a reflection of how that situation had improved. Moreover, Croatia was actively participating in the work of the Stability Pact for South-Eastern Europe, particularly in the area of democratization and human rights, and was cooperating with the International Criminal Tribunal for the former Yugoslavia.

7. Croatia believed that during the preceding nine years the situation in the territories covered by the omnibus resolution on the situation of human rights in Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia had changed significantly. There was no longer a pattern of grave violations of human rights in those countries. Accordingly, Croatia should no longer be covered by the mandate of the Special Rapporteur on the situation of human rights in the former Yugoslavia and should no longer be targeted by the omnibus resolution. Croatia wished to see its cooperation with the United Nations in the field of human rights move away from monitoring and towards other forms of cooperation. Her country hoped to be an active partner in the promotion and protection of human rights and in contributing to regional and international security.

STATEMENT BY MR. PASKAL MILO, MINISTER FOR FOREIGN AFFAIRS OF ALBANIA

8. Mr. MILO (Albania) said that positive changes had occurred in Albania during the previous year with regard to respect for human rights, and the Albanian Government was in the process of drafting national strategies that would deal with specific aspects of those rights. Albania had drafted its first Electoral Code and established a Central Electoral Commission composed of independent experts, and democratic local elections had been held in October 2000. The measures taken by State bodies and the participation of all political forces in the political parties' round table held in early March 2001 were a good sign that the parliamentary elections scheduled for June 2001 would be held under democratic conditions. As the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression had noted in his report on his mission to Albania (E/CN.4/2001/64/Add.1), respect for that right had reached satisfactory levels. Some of the problems highlighted had been or were being solved, including the problem of issuing licences to private radio and television operators. Ethnic minorities were considered to be an integral part of Albanian society and had the right to be educated in their native language, the right to assemble and the right to participate in the country's governance,

and the Government was endeavouring, within the limits of its capacities, to increase respect for other rights. It also sought to protect religious freedom; as religious tolerance was a traditional feature of Albanian society, all religious institutions were allowed to conduct their activities.

9. Albania considered the implementation of international human rights instruments to be a primary obligation deriving from the Albanian Constitution, and it had begun preparing its reports to treaty bodies within the framework of a joint project involving the Ministry of Foreign Affairs, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP). The human rights situation was not without problems, but the Albanian Government was taking the necessary steps to combat any phenomena that might directly or indirectly affect the exercise of those rights, such as poverty, illegal trafficking and isolated cases of violence.

10. The Albanian Government noted with satisfaction that the implementation of Security Council resolution 1244 (1999) was proceeding in the right direction, as the holding of local elections in Kosovo in 2000 had demonstrated. The peaceful way in which those elections had been conducted, the successful activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the will of the people of Kosovo to establish their own democratic institutions seemed to indicate that the time had come to hold general elections in Kosovo. His Government believed that holding such elections as soon as possible would serve to institutionalize democracy and protect human rights in the region. It was also convinced that the Serb population of Mitrovica would assume its responsibilities in that regard.

11. Regarding the recent events in the former Yugoslav Republic of Macedonia, he reiterated his Government's firm opposition to any armed activities carried out by Albanian extremists. As the current chair of the South-East European Cooperation Process, Albania believed that resolution of the conflicts in the region required constructive dialogue between the parties. In that connection, he welcomed the positive and constructive attitude of the Macedonian authorities and the Albanian political parties. The Albanian Government had re-established diplomatic relations with the Federal Republic of Yugoslavia, which had been unilaterally broken by the Milosevic regime in 1999. He welcomed the release by the Serb authorities of some Albanian political prisoners but expressed the hope that all political prisoners would be released and that information on all persons who had disappeared during the conflict in Kosovo would be forthcoming. He reiterated his Government's request to the Serb authorities to hand over Slobodan Milosevic, who bore primary responsibility for the Albanian genocide in Kosovo, to the International Criminal Tribunal for the Former Yugoslavia.

12. He concluded by recalling that the fifty-seventh session of the Commission on Human Rights was coinciding with the twenty-fifth anniversary of the entry into force of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and he expressed the hope that all States would continue to do all they could to ensure respect for human rights, as they had pledged to do at the Millennium Summit.

STATEMENT BY MR. MOHAMED AUJJAR, MINISTER FOR HUMAN RIGHTS OF MOROCCO

13. Mr. AUJJAR (Morocco) recalled that His Majesty King Mohamed VI had been committed to making Morocco a State governed by the rule of law and went on to highlight some of the country's achievements that served to underpin its current transition towards democracy. One of the first steps taken had been the establishment of an independent commission for the compensation of victims of enforced disappearances and arbitrary detention, composed of judges, lawyers and leaders of non-governmental organizations (NGOs). That commission had received more than 5,000 applications and had begun to award compensation to victims, but its main goal was to reintegrate and rehabilitate them. In an effort to ensure sustainable economic and social development, Morocco had also begun to undertake reforms in the areas of justice, the civil service, labour, public freedoms, the status of women, children's rights and the disabled. On International Women's Day, the main representatives of civil society had introduced a joint project to reform the Personal Status Code, or Mudawwanah. A committee composed of ulema, legal experts and representatives of civil society should be established to deal with that question and endeavour to meet women's legitimate aspirations.

14. Morocco was also speeding up its efforts to harmonize national legislation with the provisions of the international conventions it had ratified: texts on women's and children's rights were being finalized, as was the Code of Public Freedoms. The Moroccan Government was committed to supporting and strengthening freedom of the press. In the area of human rights education, the first phases of a national programme, which involved teacher training and textbook revision, had been completed. A human rights documentation, information and training centre had been established with the assistance of the Office of the High Commissioner for Human Rights and UNDP, and specialized training courses had been set up for members of NGOs, journalists and persons working in the corrections system.

15. Morocco considered the problem of Moroccans abroad to be one of its main concerns. The Government thus welcomed the fact that more and more States were signing and ratifying the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families and hoped that that trend would continue and accelerate. He commended the United Nations High Commissioner for Human Rights for her work in organizing the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

16. His Government was deeply concerned at the violations of the human rights of the 1,481 Moroccan prisoners of war in the camps at Tindouf which had been confirmed by certain NGOs, particularly Amnesty International. He appealed to the international community to ensure that those practices, which were contrary to the Geneva Conventions of 1949, were ended. The international organizations concerned should be encouraged to work together more closely in order to carry out the necessary investigations and determine responsibility.

17. Lastly, he drew the attention of the Commission to the serious situation in the Middle East and the ongoing deterioration in the living conditions of the Palestinian people, whose rights were being violated daily. The international community must assume its responsibilities by ensuring respect for the international legal order and by accommodating the legitimate aspirations of the Palestinian people to establish its own State and enjoy all its rights.

STATEMENT BY MR. JORGE CASTAÑEDA, MINISTER FOR FOREIGN AFFAIRS OF MEXICO

18. Mr. CASTAÑEDA (Mexico) said that a fundamental change had taken place in the Mexican Government's human rights policy since the election of Vicente Fox as President. The new Government had set ambitious goals, pledging to strengthen respect for human rights as a key element of reform, increase the involvement of civil society organizations in the formulation of Government policy, completely overhaul the system for the administration of justice, protect the rights of Mexicans abroad so that they could work there in conditions of safety and dignity, discharge the country's international human rights obligations by strengthening Mexico's cooperation with multilateral mechanisms for the protection of such rights, make Mexican legislation consistent with international human rights instruments, promote the teaching of human rights and investigate all instances of human rights violations and punish the perpetrators. The Mexican Government was also determined to combat the marginalization, poverty, inequity and injustice suffered by Mexico's indigenous people, which had been brought to light by the events that had taken place in Chiapas since 1994. Only when a lasting peace had been secured in that region and a culture of human rights established throughout the country could the new national democratization and development programme be implemented.

19. Upon taking office, President Fox had clearly demonstrated by his actions that he was committed to reconciliation and peace. He had announced the appointment of an ambassador for human rights and democracy who would actively participate in the work of the Commission. The Government had also signed a technical cooperation agreement with the Office of the United Nations High Commissioner for Human Rights on 2 December 2001, and negotiations for the establishment of an office of the High Commissioner in Mexico City would begin shortly. As a sign of its willingness to cooperate, Mexico was prepared to welcome representatives of international human rights organizations at any time in order to engage in a frank and constructive dialogue with them on measures to be taken to ensure respect for human rights in the country.

20. With a view to promoting the rights of indigenous peoples, Mexico had signed Convention No. 169 of the International Labour Organization (ILO) on indigenous and tribal peoples in 1989 and had ratified it in 1990; the Mexican Constitution had been amended in 1992 to acknowledge the country's multicultural composition, and Congress was to consider a Constitutional reform bill submitted by the executive branch that sought to recognize the autonomy and validity of indigenous systems of governance within the context of the State, in keeping with the agreements signed by the Government and the Zapatista National Liberation Army.

21. At the international level, Mexico, which advocated the universal application of international human rights instruments, planned to accede to those treaties to which it was not a party and would withdraw the reservations it had made, primarily to the Optional Protocol to the International Covenant on Civil and Political Rights, to the 1994 Inter-American Convention on Enforced Disappearances and the 1999 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. His Government would also endeavour to promote the ratification of instruments it had already signed and the harmonization of Mexican legislation with those instruments.

22. Mexico held the protection of human rights to be a universal value and an individual and collective obligation of States. It therefore did not share the view that the promotion and protection of human rights were the internal affairs of individual countries. There were no internal or foreign affairs where human rights were concerned, and respect for the principle of sovereignty must not serve as a pretext for violating those rights, for a State could not exercise its sovereignty for purposes that were inconsistent with the fundamental rights of its citizens or any individual within its jurisdiction. Moreover, Mexico believed that the entire international community was entitled to be concerned about the human rights situation in any State whatsoever, since respect for human rights could not depend solely on the will of a single Government. Mexico also rejected the idea that human rights was a Western concept and thus not applicable to societies which had other traditions and cultures. The notion of human rights may have first seen the light of day in the West, but human rights were universal, since they made every individual a full member of humankind. While differences in political systems, history and cultural and religious practices could indeed play an important role in the life of a society, they could in no case justify violating fundamental rights. Moreover, all States had an obligation to respect all human rights, whether economic, social and cultural or political and civil, for all rights were universal, indivisible and interdependent, as the 1993 Vienna Declaration had established.

23. Mexico was equally firm in maintaining that nothing, not even war, foreign invasion, isolation, blockades or ostracism, could justify violating fundamental human rights, as certain States maintained. Once again, effective respect for human rights must be unconditional. The defence of human rights should not be used for other purposes, however. Often the human rights situation in a particular country had been criticized for political reasons and not out of a genuine desire to defend human rights. Such misuse of human rights had led to a polarizing of positions and had weakened cooperation between States, causing the countries criticized to take a defensive attitude that was not conducive to genuine protection of human rights. It mattered little who did the denouncing or the criticizing, or why they did it; what was important was to determine whether human rights had actually been violated. His Government advocated a balanced approach to the question based on objective facts and not selective criteria which watered down any initiative for promoting human rights, and he reiterated Mexico's determination to ensure that those rights were enjoyed in all States.

STATEMENT BY MR. DATUK SERI SYED HAMID ALBAR, MINISTER FOR FOREIGN AFFAIRS OF MALAYSIA

24. Mr. HAMID ALBAR (Malaysia) said that while whole sections of the globe now lived in freedom, the international community was far from realizing the aspirations of "social progress and better standards of life in larger freedom" set out in the Universal Declaration of Human Rights. To do so it must accept the diversity that existed in the world with regard to historical experience, cultural traditions and levels of development, and must take a balanced and realistic approach to human rights, democracy and capitalism, factors that were intertwined and indispensable to human and national development.

25. The participants at the World Conference on Human Rights had affirmed that all human rights were universal, indivisible and independent and interrelated, which meant that the international community must treat them globally in a fair and equal manner, on the same

footing, and with equal emphasis. It was encouraging that the Commission on Human Rights had designated special rapporteurs on economic, social and cultural rights, and he hoped that that trend would continue, since some rights, such as the right to health, had yet to be given due attention. The right to development was of critical importance because it encompassed all other rights. If development efforts were not to be derailed it was important to create a supportive international regime or environment, such as a mechanism to pool contributions from rich countries that would then be used for infrastructure development in developing countries. Democracy was undoubtedly the best means of achieving social justice and promoting social inclusion. Nevertheless, it was a means rather than an end in itself. It was therefore imperative that every country should be able to establish a democracy that was productive rather than destructive, one that was synonymous with stability, prosperity and equity and not with anarchy, strife and misery. While capitalism was a factor in development, it was important to promote a humane form of capitalism that emphasized people rather than profits, economic efficiency and market dominance. That type of capitalism had even more merit given that globalization had had a major impact on the enjoyment of human rights. The attention paid by the Commission and the General Assembly to the linkages between globalization and human rights should therefore be welcomed. Malaysia had worked with the Office of the High Commissioner for Human Rights in organizing a regional seminar on globalization and its impact on the enjoyment of economic, social and cultural rights, which would be held in Kuala Lumpur in May 2001.

26. The promotion of human rights must take into account the unique characteristics of each society and be pursued at a pace suitable to the country concerned. The approach should be one of cooperation rather than confrontation. In that connection, he urged that more creative approaches should be developed to address human rights concerns. For instance, emphasis should be placed on technical cooperation and assistance, particularly in the areas of national capacity-building and human rights education. It was perhaps time to consider replacing the resolutions on country situations, which had yet to yield results, with technical assistance programmes. While welcoming the heightened interest shown in human rights issues, Malaysia and other developing countries were concerned that certain States were exploiting those issues to promote their own political and economic agendas. They did not serve the cause of human rights or the work of the Commission. Polarization of human rights in the international arena led to the selective application of human rights standards, and thus to unequal treatment of different countries. The major Powers were applying a double standard, which allowed certain countries to display contempt for the Commission's mechanisms, while others were condemned, if not sanctioned. That situation must be curtailed if the Commission's credibility was to be maintained. In that connection, Malaysia was deeply concerned by the suffering inflicted on the Palestinian people by the Israeli regime and by the systematic violation of that people's fundamental rights, particularly its right to self-determination, notwithstanding the numerous resolutions and meetings of the Commission and the General Assembly condemning such violations. The international community must put an immediate stop to them. Malaysia and the other members of the Organization of the Islamic Conference continued to call for the full implementation of Commission on Human Rights resolution S-5/1, on violations of the rights of the Palestinian people by Israel, which the Commission had adopted at its fifth special session. In that connection, the meeting of States parties to the Fourth Geneva Convention must be reconvened as a matter of urgency.

27. With the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance only months away, it was important to design strategies to combat one of the most pernicious forms of human rights violations. While the clearest manifestations of racism were institutional, as in the case of fascism or apartheid, racism also took less overt forms, such as xenophobia and other forms of discrimination or intolerance. Education, inclusion in nation-building, the promotion of equitable development and community involvement were indispensable elements of strategies to combat racism. As a multi-ethnic, multicultural country, Malaysia believed that equal weight must be given to the exercise of rights and the fulfilment of responsibilities. The vast majority of Malaysians accepted the need for give and take between communities, which meant that one group sometimes had to set aside its short-term interest in order to accommodate the interest of other groups, in the interest of national peace and stability. Malaysia was committed to the notion of human responsibility and looked forward to the report of the Sub-Commission on the Promotion and Protection of Human Rights on that topic.

28. Although at the time of its independence many had doubted that the multi-ethnic country could survive, Malaysia had succeeded in forging a united nation, raising the living standards of the population, preserving communal harmony and pursuing people-centred development. The country remained deeply committed to the protection of all citizens and to their exercise of their fundamental freedoms. The establishment in 1999 of the Malaysian National Commission on Human Rights, or Suhakam, reflected the Government's commitment to strengthening human rights standards in the country. Suhakam sought to increase awareness of human rights issues and investigated allegations of human rights violations. Malaysia believed that only through a rational, realistic and pragmatic approach could human rights problems be solved, and it would continue to advocate that human rights should be dealt with comprehensively, that democracy should be productive and that capitalism should be humane.

STATEMENT BY MS. ANNA LINDH, MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

29. Ms. LINDH (Sweden), speaking on behalf of the European Union and the associated countries Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, expressed regret that the High Commissioner for Human Rights had decided not to seek a second term of office and commended her for her efforts, her courage and integrity and her wisdom and dedication.

30. While all human beings were born free and equal in dignity and rights, many women, men and children around the world suffered the consequences of exercising their human rights and fundamental freedoms. Harassed, tortured and even killed, they reminded the international community of its duty to speak out and to act on their behalf. Globalization of the economy, information and communications made that common responsibility obvious. Global access to information made it harder to cover up human rights violations and easier to address them. While globalization brought opportunities for social and economic development, it also increased the risk that people would be exploited. Global rules based on democracy and human rights were needed to enhance justice. The fact that more countries were becoming parties to human rights instruments and agreeing to cooperate with international human rights mechanisms was a welcome development. However, efforts to strengthen those mechanisms must receive political and financial support.

31. Human rights had not always been acknowledged. They had had to be fought for continuously and their legitimacy constantly claimed. There were times when there was a duty to speak up and to distinguish between right and wrong. Those who remained silent were also guilty. It was therefore necessary to support human rights defenders and to cooperate in particular with the Special Representative for human rights defenders and her fellow representatives and rapporteurs. Heads of State who claimed that their countries' safety and stability was undermined by the work of human rights defenders obviously failed to recognize that respect for human rights, democracy and the rule of law had a stabilizing effect and was a factor in economic and social development. Ideally, there should be a global consensus regarding human rights principles, but some countries were irritated by constant monitoring of their implementation of the relevant norms. All Governments must agree to such scrutiny and cooperate to ensure worldwide protection of human rights and ongoing implementation of those standards at home. The European Union attached great importance to that question as it underwent enlargement, and it therefore urged all Governments to cooperate with the human rights rapporteurs and representatives and to invite them to visit their countries. The countries of the European Union were ready to cooperate with the human rights mechanisms and to receive them.

32. From the right to life stemmed all other rights. Accordingly, the European Union had made combating the death penalty a priority. A number of countries considered the death penalty to be a legitimate means of punishing murderers and combating drug trafficking, terrorism, economic corruption or adultery. Yet regardless of the purpose cited, the death penalty ran counter to the very concept of human rights and dignity. The European Union was opposed to the death penalty in all cases, and under no circumstances should capital punishment be imposed on minors or persons suffering from mental handicaps.

33. Torture was one of the most abhorrent violations of human rights, and no exceptions from the prohibition against torture were permitted under international law. Yet torture persisted in spite of the international community's efforts, and perpetrators of torture continued to enjoy impunity in many countries. The European Union would continue to urge countries to take effective measures against torture and to rehabilitate and compensate torture victims. The Union would soon be adopting guidelines to combat and eradicate torture. She drew the Commission's attention in that connection to genital mutilation, an appalling form of torture practised in many countries which was born out of ignorance and, occasionally, misinterpretations of religion, and which had no other purpose than to control women. Governments that took legal action to combat genital mutilation deserved support, and those that did not or turned a blind eye to such practices must be criticized.

34. Trafficking in human beings was a contemporary form of slavery that was a gross violation of human dignity and an affront to the enjoyment of human rights. The phenomenon was not a new one, but its growing dimensions and alarming consequences for its victims made immediate attention necessary. In Europe alone it was estimated that some 500,000 women and children were victims of trafficking, especially for sexual purposes, every year. Such trafficking must be opposed at both the national and international levels, and a point of departure must be ensuring respect for and protection of women's and children's rights.

35. In order to prevent crises from escalating into armed conflicts, reports of human rights violations must be viewed as warning signals and action must be taken at an early stage. Experience indicated that the roots of conflicts were to be found in restrictions on the freedoms of expression, opinion and association. Preventing people from participating in decision-making led to insecurity and frustration. Discrimination based on religion, sex or race also provoked conflict. The European Union emphasized the need for the rapid establishment of the International Criminal Court in order to increase respect for international humanitarian law and human rights. By doing away with impunity for those who had committed or encouraged atrocities, the Court would help to promote peace.

36. It could not be stressed enough that human rights were indivisible and must include economic and social rights. Consolidation of the rule of law and free discussion encouraged economic growth and poverty eradication, and civil and political rights were enhanced when economic and social rights were protected. Democracy and freedom of expression were therefore of the utmost importance both for development and for the creation of a just society. Development, cooperation and free trade were also important instruments for promoting human rights.

37. It was to be hoped that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be a success and send a clear signal that racism and discrimination had no place in contemporary society. She also hoped that the current session of the Commission would afford an opportunity for discussion based on lessons learnt and common aims, and that confrontation would be replaced by cooperation, resistance by involvement and nice words by action. It was a question of political will.

STATEMENT BY MR. OULAI SIENE, MINISTER OF JUSTICE OF CÔTE D'IVOIRE

38. Mr. SIENE (Côte d'Ivoire) said that Côte d'Ivoire had always been a land of peace, immigration and welcome, as demonstrated by the presence in the country of non-nationals from many different places, and it intended to remain an open country in which nationals and non-nationals alike lived in perfect harmony. Since taking office, President Gbagbo had made every effort to bring about national reconciliation so that once peace and security were restored the entire population could look with determination towards the future and hope.

39. Côte d'Ivoire was deeply committed to the principles of democracy and respect for human rights as proclaimed in the international human rights convention, almost all of which it had ratified. The adoption of a number of legislative measures had enabled the country to make considerable progress towards democracy. In 1990, in accordance with the wishes of its people, Côte d'Ivoire returned to a multiparty system, and as of 1 August 2000, in order to become a State truly governed by the rule of law, it had a new Constitution which guaranteed genuine separation of the executive, legislative and judicial powers and more clearly affirmed the independence of the justice system. New republican institutions had been established and were gradually being set up: Parliament, the Constitutional Council, the Court of Cassation, the Council of State, the Court of Audit, the Economic and Social Council and the Great Mediator of the Republic. The entire electoral process was now overseen by an independent commission. A State governed by the rule of law meant fair and transparent elections, but also good governance. The President and the Government were determined to combat fraud and corruption in the

management of the State. Furthermore, seeking to ensure that wealth was distributed fairly and combat regional disparities, a decentralization policy had been formulated which the public authorities hoped to implement immediately after municipal elections were held on 25 March 2001.

40. The country's new Constitution was another step forward in the area of human rights. The whole of Section I, which contained 28 articles, consisted of a recognition of freedoms and a commitment to ensure their effective enjoyment. The human person was declared to be sacred, and the rights to life, freedom, human development and respect for human dignity were declared to be inalienable. The death penalty had been abolished. All acts and situations of slavery and inhuman, cruel, degrading and humiliating treatment were also forbidden. Constitutional measures also ensured that the people's determination to combat and eliminate all forms of racial discrimination would be respected. Propaganda that had the aim or effect of promoting one social group over another or encouraging racial or religious hatred and any political parties established on regional, religious, tribal, ethnic or racial grounds were prohibited. Currently, more than 26 per cent of the country's 16 million inhabitants were non-nationals who lived in perfect harmony with the indigenous population. As for refugees, who had totalled 124,000 as at 31 January 2001, no discriminatory measures had been applied when receiving them or providing them with housing. There had never been any refugee camps in Côte d'Ivoire, for refugees were lodged in people's homes. Côte d'Ivoire had been commended for that by the Office of the United Nations High Commissioner for Refugees and the Organization of African Unity. Efforts to combat racial discrimination were ongoing and demanded unceasing vigilance. For that reason Côte d'Ivoire maintained that the development of a culture of tolerance must be the responsibility of each State. The country had always upheld the principle of separation of church and State in its fundamental legislation, although everyone was free to practise his or own religion. There was no discrimination between Muslims, Christians and animists. All were urged to practise religious tolerance and freedom.

41. Freedom of the press was a reality in Côte d'Ivoire and was guaranteed under the Constitution. No journalists were currently in prison, as the Press Act proscribed such detention. Under that Act an independent national commission had been established to ensure that journalists met their obligations. Professional ethics were consistently advocated by the Observatory for Press Freedom, a fully independent body run by journalists themselves that sought to promote and uphold freedom of the press, to protect the public's right to free, complete, honest and accurate information and to ensure the safety of journalists in their work.

42. A Department of Human Rights and Public Freedoms existed within the Ministry of Justice and Public Freedoms, and an independent national human rights commission would soon be established. Côte d'Ivoire had requested technical assistance from the Office of the United Nations High Commissioner for Human Rights with a view to preparing a national plan for the promotion and protection of human rights. The Côte d'Ivoire Government was committed to combating impunity and had responded to all requests for information from the special rapporteurs of the Commission on Human Rights. All cases of human rights violations were brought before the courts, and proceedings were conducted in full. Côte d'Ivoire was and would remain a country of peace and a land of welcome for all, and it intended to collaborate with all countries.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/2001/12; E/CN.4/2001/CRP.1 and CRP.2)

43. The CHAIRMAN said that the Bureau of the fifty-seventh session of the Commission had met the previous day and had drawn up a draft timetable for the work of the session which was contained in an annex to the order of the day (E/CN.4/2001/OD.2). If he heard no objection, he would take it that the Commission wished to adopt the draft timetable.

44. It was so decided.

45. The CHAIRMAN said that the Bureau had carefully considered document E/CN.4/2001/CRP.1, on main rules and practices followed by the Commission on Human Rights in the organization of its work and the conduct of business, and had decided to suggest that the Commission should adopt most of the rules and amend some of them. Others were still being considered by the regional groups in informal consultations and would therefore not be discussed.

46. With regard to speaking time and other arrangements, the Bureau suggested that paragraphs 2, 3 and 5 should be adopted without amendment. With regard to joint statements, the Bureau also suggested adopting paragraphs 7 to 10 without amendment. With regard to paragraph 6, he suggested that when a group of States consisted of both Commission members and observers, statements by that group should be placed on the list of speakers reserved for members even if the statement was read out by the representative of a State that was not a member of the Commission. In addition, States chairing those groups were requested to transmit to the secretariat a complete list of group members. That was important, since if a member requested the floor on an individual basis, the time allotted for the statement would be only half that normally allowed if a joint statement was more than 10 minutes long. The length of such statements had not yet been set, in view of the amendments proposed by certain regional groups.

47. The Bureau also suggested adopting paragraphs 11 (Other rules that apply to NGO statements) and 12 ("Concerned" countries). With regard to special procedures, the Bureau suggested that the words "before consideration of the agenda item in question is concluded" at the end of paragraph 13 and the following phrase at the end of the first sentence in paragraph 15: "while endeavouring to avoid, to the extent possible, the proliferation of informal meetings and the holding of several meetings simultaneously". Guest speakers (dignitaries), discussed in paragraph 17, should limit their statements to 15 minutes, with the Chairman authorized to give them an additional 5 minutes. The Bureau suggested that paragraph 19 (National institutions) should be adopted without amendment.

48. With regard to the introduction of draft resolutions (para. 20), the Bureau recommended that a co-sponsor requesting to take the floor should be allowed to do so for up to five minutes instead of three minutes.

49. The Bureau also suggested that paragraphs 21, 22 and 24 to 26 (List of speakers), paragraphs 27 and 28 (Draft resolutions), paragraph 29 (Quorum), paragraphs 30 to 32 (Points of order) and paragraphs 33 and 34 (Agenda item 4) should be adopted without amendment.

50. It was understood that the agenda item entitled "Organization of the work of the session" would remain open throughout the fifty-seventh session, as in previous sessions. The Bureau also recommended that, as in previous years, a number of invitations should be issued in connection with specific agenda items and sent to all members of the guest list.

51. The Bureau next proposed the adoption of paragraph 35 (Action on draft proposals emanating from the Sub-Commission) and paragraph 36 (Written statements by NGOs), with the addition of the following phrase at the end of paragraph 36: "in accordance with Economic and Social Council resolution 1996/31". The Bureau also proposed the adoption of paragraph 37 (Distribution of statements), paragraph 38 (Meetings of the Bureau), subject to replacement of the phrase "whenever necessary" with the words "and at any other time, as necessary", and paragraph 39 (Announcements by the secretariat), paragraph 40 (Transparency and consultations), paragraphs 41 and 43 (Accreditation), 44 to 47 (Seating and other arrangements for NGOs in the conference room) and 50 to 53 (OHCHR Web site).

52. The CHAIRMAN said that if he heard no objection, he would take it that the Commission wished to adopt the suggestions made by the Bureau.

53. It was so decided.

54. The CHAIRMAN invited delegations to transmit to him, through the regional coordinators, their suggestions and proposals concerning the special debate of the Commission on tolerance, scheduled for 26 March 2001.

55. Ms. KUNADI (India), speaking on behalf of the group of Asian States, recalled the need to streamline and rationalize the work of the Commission to ensure optimum utilization of available time and resources and to facilitate a working environment conducive to consensus-building. The Commission should continue to explore ways of managing time more effectively, limiting additional meetings, avoiding parallel informal meetings and ensuring punctuality and facilitating and rationalizing NGO participation in its work, in accordance with the relevant resolutions of the Economic and Social Council. The Asian States wished to underline the importance of cooperation, dialogue, consultation and consensus-building in enhancing the effectiveness of the Commission and avoiding politicization of its work, particularly under agenda item 9. Accordingly, the Asian States urged other delegations to do their utmost to promote greater transparency in the consultations on all draft resolutions. The dates and times of such consultations should be announced in advance, and consultations should not be held at the same time as plenary meetings so that smaller delegations would not be marginalized.

56. While the Asian States encouraged the participation of NGOs in the work of the Commission, they believed that their role should be clarified. The secretariat should therefore ascertain the status of all NGOs and carefully consider requests for the floor prior to each meeting and encourage NGOs to make joint statements, meticulously adhering to the relevant time limits. The secretariat should apply the guidelines set out in Economic and Social Council resolution 1996/31 strictly. Those measures were essential to ensure the objectivity, representivity and effectiveness of NGO participation and to promote dialogue and cooperation between NGOs and government delegations. It was also essential to end the misuse of

procedures by certain NGOs which distributed spurious or scurrilous documents inside and outside the conference room during the Commission session in order to advance certain interests other than human rights. Such practices not only vitiated the atmosphere in the Commission but also undermined the ability of responsible NGOs to make a real contribution to the defence of human rights. All such abuses should be reviewed by an intergovernmental body such as the Committee on Non-Governmental Organizations in New York, but the Bureau of the Commission should also consider whether action to address the situation might not be open to it under the rules of procedure.

57. The Asian States believed that the biennialization and clustering of agenda items, a reduction in the number and length of resolutions and strict compliance with the time limits for statements would make it possible to reduce the length of Commission sessions to four weeks without undermining its effectiveness, and they therefore recommended that the Bureau should keep the matter under review in consultation with the regional groups. She recalled that the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights had underlined in its report (E/CN.4/2000/112) the importance of compliance with the six-week rule for the submission of reports and with General Assembly resolution 53/208, which specified the length of reports, and she urged that the Commission should study, in consultation with the secretariat, ways of solving the problem of delays in the distribution of sessional documents.

58. Special rapporteurs and representatives should discharge their mandates in a spirit of dialogue and cooperation, and should be present during the debate on their reports in plenary meetings. The Asian States looked forward to the report of the annual meeting of special rapporteurs and representatives, experts and chairpersons of working groups of the Commission (E/CN.4/2001/6) and their comments on the work being done on a code of conduct for experts on mission and United Nations officials other than secretariat staff.

59. She concluded by assuring the Commission that the Asian States would do their utmost to create a climate of cooperation and harmony within the Commission and expressed the hope that those efforts would be reciprocated by all other delegations.

Statements in exercise of the right of reply

60. Mr. DEMBRI (Algeria) said it was unfortunate that the Minister for Human Rights of Morocco had felt it necessary in his statement, to engage in a pointless diatribe about the nature of the Saharan people's struggle by mentioning the presence of Moroccans in the Tindouf camps, which were in fact a camp for Saharan refugees who were waiting to exercise their right to self-determination in accordance with the 1997 Houston agreements. It should be recalled that the referendum on self-determination that was to have been organized by Spain had never taken place because the territory of Western Sahara had been invaded after the death of General Franco in 1975.

61. As for the prisoners of war to which the Minister for Human Rights of Morocco had referred, thereby acknowledging that a war was indeed taking place between Morocco and another people, their return and the return of refugees were elements that had been negotiated in the Houston agreements and the United Nations peace plan. Those were the facts, which should

not be disguised, and any State that locked up an entire people behind a wall of sand and built a concentration camp of such magnitude was in no position to preach about human rights to other countries.

62. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that the Moroccan Minister for Human Rights had raised the issue of the people in the camps from the standpoint of human rights and had only reiterated information published by Amnesty International in 1999 on the situation in those camps. For his part, he would like to know why Algeria had refused to allow the population of those camps to be counted for 25 years and why UNHCR had not been allowed to do so, as though there was something to hide there. What was of interest to the Commission on Human Rights was not the historical process of decolonization, but human rights in general and the human rights situation in an area of Algeria in particular. Algeria continued to maintain that Moroccan prisoners were not its responsibility. It would therefore be useful to know whether the territory on which the Tindouf camps were located fell under its jurisdiction from an international standpoint.

63. Mr. DEMBRI (Algeria) noted that the settlement plan for Western Sahara prepared by the United Nations in collaboration with OAU affected only those Saharans represented by the Frente Polisario and Morocco; consequently Algeria was not involved. Algeria was bound to observe the Houston agreements, which it was doing, and it was up to Morocco to ensure that the refugees were able to return home. A Saharawi Arab Democratic Republic with a Western Saharan Government did in fact exist and was recognized by more than 70 States and was a member of OAU. It was illogical for Morocco to speak of camps with Moroccan refugees or prisoners of war when the referendum on self-determination had not been held. It was for Morocco to demonstrate good will by authorizing the holding of the referendum and ensuring that all refugees could return to their homes.

64. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said he was surprised that the representative of Algeria was speaking in exercise of the right of reply if Algeria was not concerned by the question of Western Sahara. Moreover, he had not answered the question as to whether the Tindouf camps were in Algerian territory or Algeria's responsibility under international law. The key issue was the human rights situation in the Tindouf camps, and that was the only point that should hold the Commission's attention.

The meeting rose at 1 p.m.